

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF IPUC RESPONSE TO )  
 FCC ORDER ON REVIEW OF SECTION 251 )  
 UNBUNDLING OBLIGATIONS OF )  
 INCUMBENT LOCAL EXCHANGE )  
 CARRIERS (CC DOCKET NO. 01-338) )**

**CASE NO. GNR-T-03-23**

**NINE-MONTH REVIEW OF ECONOMIC )  
 AND OPERATIONAL IMPAIRMENT )  
 REGARDING ACCESS TO SPECIFIC UNES )**

**ORDER ESTABLISHING  
 PROCEDURAL SCHEDULE  
 INCLUDING INFORMAL BATCH  
 HOT CUT PROCESS**

**ORDER NO. 29375**

On June 17, 2003, the Commission issued a Notice of State Proceeding and Notice of Right to Intervene in this case to initiate a process for the Commission's response to the Federal Communication Commission's Triennial Review Order. The Notice informed parties that the Commission opened this docket to review, based on the criteria established by the FCC in its order, whether economic and operational impairment exists in particular markets in Idaho if competitive local exchange carriers (CLECs) do not have access to certain unbundled network elements (UNEs). The FCC provided for completion of the review it requested no later than nine months from the date of its order. The Commission issues this Order to adopt a procedural schedule for completing the review within the timeframe allotted by the FCC.

In its Triennial Review Order, the FCC found "on a national basis, that competing carriers are impaired without access to unbundled local circuit switching for mass market customers." Triennial Review Order ¶ 459. The FCC accordingly asked state Commissions "to take specific actions designed to alleviate impairment in markets over which they exercise jurisdiction." Triennial Review Order ¶ 460. The FCC also recognized that "a more granular analysis may reveal that a particular market is not subject to impairment in the absence of unbundled local circuit switching." Triennial Review Order ¶ 461. The FCC identified two triggers that state Commissions must apply in determining whether CLECs are impaired in a given market. Given the national presumption adopted by the FCC, the parties should be prepared to identify the findings of impairment in the FCC order that are not valid for Idaho and

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how other aspects of the order, including but not limited to the batch hot cut process, SGAT revisions and interconnection agreement amendments, should be implemented. In addition, the parties should identify the markets in Idaho where the national findings of impairment are invalid because the triggers are satisfied or no impairment exists because, for example, competitive local exchange carriers have switches to form the basis for a finding of no impairment.

The Commission adopts the following dates to complete the discovery and hearing process:

|   |                   |
|---|-------------------|
| Last date for filing initial discovery requests       | November 24, 2003 |
| Responses due to initial discovery requests           | December 19, 2003 |
| Prefiling of direct testimony by all parties          | January 19, 2004  |
| Final filing date for discovery on prefiled testimony | February 17, 2004 |
| Response to discovery on testimony                    | March 15, 2004    |
| Direct filing of rebuttal testimony                   | March 29, 2004    |
| Last filing date for discovery on rebuttal testimony  | April 12, 2004    |
| Response date for discovery on rebuttal testimony     | April 26, 2004    |
| Filing of prehearing memorandum                       | May 10, 2004      |
| Hearing   | May 24-28, 2004   |

#### **INFORMAL PROCEEDING FOR BATCH HOT CUT PROCESS**

On October 31, 2003, a Joint Motion for Adoption of Batch Cut Forum was filed by Qwest Corporation, AT&T of the Mountain States, Inc. and WorldCom, Inc. The Motion states that the parties jointly propose a process and framework for addressing the batch hot cut requirements of the Triennial Review Order. The Motion sets forth a specific schedule for the parties to attempt to reach agreement on a batch hot cut process and to submit testimony for issues on which the parties are unable to agree to the Commission. The Joint Motion asked the Commission to issue a notice that the Commission endorses the multi-state forum proposed by the Motion, and adopts the schedule and procedure requirements. The Commission has determined to approve the informal batch hot cut proposal outlined by the parties in their Joint Motion and to adopt the following procedural schedule for the batch hot cut forum:

|   |                                     |
|---|-------------------------------------|
| Qwest submits batch hot cut proposal  | November 11, 2003                   |
| CLECs submit comments/counter proposals to Qwest's proposal   | November 18, 2003                   |
| Initial meeting in Denver, CO   | December 1-3, 2003                  |
| Weekly conference calls and face-to-face meetings if necessary in Seattle, WA and Phoenix, AZ             | December 4, 2003 – January 15, 2004 |
| Simultaneous filing of direct testimony on impasse issues and filing of stipulation on areas of agreement | January 20, 2004                    |
| Simultaneous filing for rebuttal testimony  | February 15, 2004                   |

All batch hot cut process issues not resolved by the informal proceeding will be heard by the Commission at its hearing on May 24-28, 2004.


### O R D E R

IT IS HEREBY ORDERED that the Commission adopts the above procedural schedules for completion of discovery and a hearing in this case.

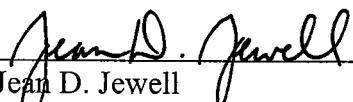
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 4<sup>th</sup> day of November 2003.

  
PAUL KJELLANDER, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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